IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.5756 of 2007

Dated: October 6, 2007

Between:

Laxmi Nursing Home, rep. by its Partner
Smt. Laxmi Devi, aged about 60 years,
Patamata, Vijayawada, Krishna District.

… Petitioner

And

The Superintendent Engineer, Assessment,
APSPDCL, Plot No.1, New Balaji Colony,
Shantinagar, Thirupathi, Chittoor District,
And another.

… Respondents

Order:

Petitioner, a hospital, running in the name of Laxmi Nursing Home, has filed this writ petition seeking Mandamus to declare the action of the first respondent in not passing orders on the appeal filed by it against the order dated 30-09-2003 as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned Standing Counsel appearing for respondents.

3. Petitioner was provided with three service connections out of which two are under category-II and one under category-I. The service connection bearing No.2340/2940 was inspected on 30-12-1998 by the Assistant Divisional Engineer, Operation, Patamata and on noticing incriminating points, provisional assessment notice dated 31-12-1998 was issued to the petitioner. After issuing show cause notice, final assessment order dated 22-02-2000 was passed by the second respondent. Against the said order, petitioner preferred appeal before the first respondent and the same was disposed of by order dated 28-11-2001. The said order in the appeal was challenged in W.P.No.2911 of 2002 before this court and this court by order dated 16-09-2002 set aside the same and remitted the matter to the second respondent to pass an order afresh. After this court remanded the matter, second respondent passed final assessment order dated 30-09-2003. Aggrieved by the said order, petitioner preferred appeal dated 30-10-2003 before the first respondent. The grievance of the petitioner is that no orders have yet been passed on the said appeal.

4. The Superintending Engineer, Assessments, APSPDCL, Tirupathi has filed counter affidavit stating the appeal filed by the petitioner is pending consideration.

5. As much as the petitioner seeks directions to the respondents for disposal of the appeal filed by him and it is admitted by the first respondent in the counter affidavit that such appeal is pending, I dispose of the writ petition directing him to pass appropriate orders on appeal of the petitioner dated 30-10-2003 filed against the final assessment order dated 30-09-2003 passed by the second respondent within two months from the date of receipt of this order. It is needless to observe that petitioner shall be given an opportunity of hearing

before disposing of the appeal. No order as to costs.

JUSTICE R. SUBHASH REDDY.

October 6, 2007
MRR